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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,688	01/04/2002	Osman Kent	T001 P001U1	8291
7590	10/05/2005			
Lance D. Reich, Esq. BOCKHOP & REICH, LLP Bldg. 400, Suite 300 3235 Satellite Blvd. Duluth, GA 30096			EXAMINER DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 10/05/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/037,688

Applicant(s)

KENT ET AL.

Examiner

Yves Dalencourt

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-12,14-19 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 6-8,13,20-22 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/18/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This office action is responsive to amendment filed on 07/21/2005.

### ***Response to Amendment***

The examiner has acknowledged the amended claims 1, 9, and 14.

### ***Response to Arguments***

Applicant's arguments, see amendment, filed on 07/21/05, with respect to the rejection(s) of claim(s) 1 – 5, 9 – 12, 14 – 19, and 23 - 26 under 35 U.S.C. 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lee et al (US Patent Number 6,658,167).

### ***Claim Objections***

Claims 6, 13, 20, and 27 are objected to because of the following informalities: It is suggested to insert -- a --- before predetermined duration. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the limitation of "a visual server having image processing capabilities ..... as compressed data " is not clear. Applicant is kindly advised to clarify claim 1, as to where the image modifying data received from the visual server is coming from, and where said modified image from the server is transmitted to.

Claims 2 – 8 are necessarily rejected as being dependent upon the rejection of claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 9 – 12, 14 – 19, and 23 - 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (6,658,167; hereinafter Lee).

Regarding claim s 1, 5, 9, 12, and 14, Lee teaches an image display system (fig. 1), comprising a visual server (120, fig. 1) having image processing capabilities wherein the visual server selectively receives image-modifying data corresponding to a

generated image (fig. 2; col. 3, lines 9 – 17; Lee discloses transmitting information 210 related to the intended use of the data in a client application from the client computer to the server), generates a modified image based upon the image-modifying data, and transmits the modified image as compressed data (col. 3, lines 18 – 23; Lee discloses that the information related to the intended use of data is transmitted to the server and this transmitted information is used by the server application program to modify the data); and at least one client in selective communication with the visual server (fig. 1), the client including an image display (inherently in client 110a-110c), the client further selectively generating image-modifying data and transmitting the image-modifying data to the visual server, and the client receiving as compressed data from the visual server an image modified based upon the transmitted image-modifying data, decompressing the compressed image data, and displaying the decompressed image on the client image display (col. 3, lines 41 – 49; col. 5, lines 27 - 67).

Regarding claim 2, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective communication across a network (col. 2, lines 19 - 30).

Regarding claim 3, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective communication across the Internet (fig. 1; col. 3, lines 41 - 49).

Regarding claim 4, Lee teaches the system of claim 1, wherein the visual server and the at least one client are in selective wireless communication (fig. 3; col. 7, lines 1 - 5).

Regarding claim 10, Lee teaches the server of claim 9, wherein the visual server is in selective communication across a network to one or more clients (col. 2, lines 19 - 30).

Regarding claim 11, Lee teaches the server of claim 9, wherein the visual server is selective wireless communication to one or more clients (col. 7, lines 1 - 5).

Regarding claim 15, Lee teaches the method of claim 14, further comprising the step of transmitting a link to the visual server from the client prior to the step of transmitting the image-modifying data from the client to the visual server (col. 3, lines 50 - 53).

Regarding claim 16, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across a network (col. 2, lines 19 - 30).

Regarding claim 17, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed across the Internet (fig. 1; col. 3, lines 41 - 49).

Regarding claim 18, Lee teaches the method of claim 14, wherein the steps of transmitting the image-modifying data from the client to the visual server and transmitting the modified image from the visual server to the client as compressed data are performed through wireless communication (col. 7, lines 1 - 5).

Regarding claim 24, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image across a network (col. 2, lines 19 - 30).

Regarding claim 25, Lee teaches the method of claim 23, wherein the step of transmitting the modified image from the visual server to the client as compressed data is transmitting the modified image to the client via wireless communication (col. 7, lines 1 - 5).

***Allowable Subject Matter***

Claims 6 – 8, 13, 20 – 22, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach that the visual server transmit the modified image to the client after predetermined duration of generating an image based upon the transmitted image-modifying data has occurred. Also, the art of record fail to teach that the client transmits the image-modifying data to the visual server as data sufficient to generate an image frame.

### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (571) 272-3998. The examiner can normally be reached on M-TH 7:30AM - 6: 00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt  
  
September 29, 2005